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21/11/08

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6910 of 2007

PETITIONER Smt. Nirmala Singh Thakur, wife of Shri Makhan Singh Thakur, aged about 54 years, resident of Mangla road, Bilaspur, District Bilaspur (C.G.)

Versus

RESPONDENTS

1 State of Chhattisgarh, Through – Secretary, Women and Children, Social Development Department, D.K.S. Bhavan, Raipur (C.G.)

2 District, Women and Children Development Officer, Bilaspur, District Bilaspur (C.G.)

3 Smt. Jaswanti Thaware, Presently working as post of Integrated Children and women development officer at Masturi, District Bilaspur (C.G.)

4 Smt. Anjana Kundu, Presently working as post of Integrated Children and Women Development Officer at Pandariya, District Kabirdham (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Ajit Singh, Counsel for the petitioner.
Shri Pradeep Singh, Panel Lawyer for the State.

ORAL ORDER
(20.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner who is working on the post of Project Officer was transferred from Mungeli to Masturi by order dated 11.10.2007 (Annexure P/2). The petitioner had not complied with that order and before compliance of the same, a subsequent order dated 26.10.2007 (Annexure P/1) was passed and instead of Masturi, she was transferred to Pandariya on administrative grounds.

Learned counsel for the petitioner submits that the petitioner is a heart patient and taking treatment from Apollo Hospital, Bilaspur, therefore, Masturi was more suitable for her than Pandariya.

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On being pointedly asked from learned counsel for the petitioner that since when the petitioner was posted at Mungeli, he submits that the petitioner was posted at Mungeli since 2003.

These are not the grounds for cancellation of the order of transfer of an employee. Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also in the public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafide or extraneous considerations or is against any statutory Rule or Act, it cannot be interfered by a Court of Law.

Learned counsel for the petitioner could not point out any ground of malafide, extraneous considerations or violation of any Statutory Rules or the Act.

In view of the above, I am not inclined to admit this petition for hearing. The same is dismissed at the motion stage itself.

At this stage, learned counsel for the petitioner submits that the petitioner has filed a representation dated 15.11.2007 and that may be directed to be disposed of by the concerned authority of the State.

There is no necessity to give any direction in this regard. The concerned authority of the State is free to dispose of the representation in accordance with law.

Sd/-
Sunil Kumar Sinha
Judge

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